



Attorney Docket No.: 0018-13

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Carl E. Fabian                      Group Art Unit: N/A  
Serial No.: 10/650,376                      Examiner: N/A  
Filed: August 29, 2003  
For: **RADIOPAQUE MARKER FOR A SURGICAL  
SPONGE**  
Matter No.: 0018-13

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)**

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the following documents, which are listed on the attached PTO-1449 Form. The Examiner may deem these documents to be relevant to patentability of the claims of the above-identified application. A copy of each of the documents listed in those sections entitled "Foreign Patent Documents" and "Other Documents" is enclosed for the convenience of the Examiner.

The submission of the PTO-1449 Form containing the listed documents is not intended as an admission that any of the documents constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

It is understood that no fee is necessary for submission of this Information Disclosure Statement, as it is being filed before the later of three months from the filing date or the mailing of the first Office Action on the merits.

For the reasons set forth above, it is submitted that no additional fee is required for this Information Disclosure Statement. However, in the event that the Commissioner deems that an additional fee is required, it is respectfully requested that applicant's attorney be contacted and accorded an opportunity to pay such additional fee.

Respectfully submitted,



Ernest D. Buff  
Reg. No. 25,833

**Enclosures**

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Dated: November 25, 2003

**Certificate of Mailing by First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 25, 2003.



*Signature*

Ernest D. Buff  
*Attorney of Record*

November 25, 2003  
*(Date)*

<b>FORM PTO-1449</b> (REV. 2-32)	<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>	<b>ATTY. DOCKET NO:</b> 0018-13	<b>SERIAL NO.:</b> 10/650,376
<b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>		<b>APPLICANT:</b> Carl E. Fabian	
(Use several sheets if necessary)		<b>FILING DATE:</b> August 29, 2003	<b>GROUP:</b> N/A

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		3,133,538	05-19-64	R.H. Pratt et al.	128	296	10/11/61
		3,965,907	06-29-76	Hardy et al.	128	296	01/08/75
		4,068,666	01-17-78	Shiff	128	290W	05/16/75
		4,244,369	01-13-81	McAvinn et al.	128	296	02/26/79
		4,626,251	12-02-86	Shen	604	362	02/22/85
		4,639,253	01-27-87	Dyer et al.	604	362	11/25/85
		4,718,897	01-12-88	Elves	604	362	09/18/85
		4,917,694	04-17-90	Jessup	604	362	05/20/86
		4,938,901	07-03-90	Groitzsch et al.	264	22	09/02/88
		4,983,173	01-08-91	Patience et al.	604	384	01/06/86
		5,041,103	08-20-91	Rupinkas	604	362	06/09/86

**FOREIGN PATENT DOCUMENTS**

							TRANSLATION	
		DOCUMENT NUMBER	DATE	PATENTEE OR APPLICANT	CLASS	SUBCLASS	YES	NO

**OTHER DOCUMENTS(Including Author, Title, Date, Pertinent Pages, etc.)**

			Denise Grady, "Uncommon Peril of Forgotten Surgical Tools", The New York Times, January 21, 2003.

EXAMINER

DATE CONSIDERED

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

